



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 215

DATE SCANNED 6/22/10

SCANNER NO. 2

SCAN OPERATOR ESS

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

2010 MAR 10 4:35

March 10, 2010

MEMORANDUM

SENSITIVE

TO: THE COMMISSION

THROUGH: ALEC PALMER *AP*
ACTING STAFF DIRECTOR

FROM: PATRICIA CARMONA *PC*
CHIEF COMPLIANCE OFFICER

DEBBIE CHACONA *DC*
ACTING ASSISTANT STAFF DIRECTOR
REPORTS ANALYSIS DIVISION

BY: NATALIYA IOFFE/RHIANNON MAGRUDER *nik*
COMPLIANCE BRANCH

SUBJECT: REASON TO BELIEVE RECOMMENDATION – 2010 12 DAY
PRE-PRIMARY REPORT (ILLINOIS) FOR THE
ADMINISTRATIVE FINE PROGRAM

Attached is a list of political committees and their treasurers who failed to timely file the 2010 12 Day Pre-Primary Report for the Illinois Primary Election in accordance with 2 U.S.C. § 434(a). The 12 Day Pre-Primary Report was due on January 21, 2010 and the Primary Election was held on February 2, 2010.

The committees listed on the attached RTB Circulation Report failed to file the election sensitive report by the required due date. Election sensitive reports filed more than four days prior to the election are considered late, and reports not filed more than four days prior to the election are considered not filed. In accordance with the schedule of civil money penalties for reports at 11 CFR § 111.43, these committees should be assessed the civil money penalties highlighted on the attached circulation report.

Recommendation

1. Find reason to believe that the political committees and their treasurers listed on the RTB Circulation Report violated 2 U.S.C. § 434(a) and make a preliminary determination that the civil money penalties would be the amounts indicated on the RTB Circulation Report.
2. Send the appropriate letters.

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Federal Election Commission
Reason to Believe Circulation Report
2010 PRE-PRIMARY Election Sensitive 01/21/2010 AUTH (IL)

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
2113	C00469833	CITIZENS TO ELECT ROBERT MARSHALL	MARSHALL, ROBERT ALAN	ROBERT MARSHALL	\$106,279	0	1/27/2010	6	\$10,285	\$210

2115	C00254581	GUTIERREZ FOR CONGRESS	GUTIERREZ, LUIS V.	OMAIRA GUTIERREZ	\$347,377	0	1/29/2010	Not Filed	\$6,525	\$660
2116	C00305920	JESSE JACKSON JR FOR CONGRESS	JACKSON, JESSE L. JR.	VICKIE PASLEY	\$947,690	0	1/28/2010	7	\$28,330	\$505

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Reason To Believe Recommendation - 2010)
12 Day Pre-Primary Report (Illinois) for the)
Administrative Fine Program:)
JESSE JACKSON JR FOR CONGRESS,) AF# 2116
and PASLEY, VICKIE as treasurer;)
CITIZENS TO ELECT ROBERT) AF# 2113
MARSHALL, and ROBERT MARSHALL)
as treasurer;)

GUTIERREZ FOR CONGRESS, and) AF# 2115
GUTIERREZ, OMAIRA as treasurer;)

CERTIFICATION

I, Darlene Harris, Acting Secretary of the Federal Election Commission, do hereby certify that on March 12, 2010 the Commission took the following actions on the Reason To Believe Recommendation - 2010 12 Day Pre-Primary Report (Illinois) for the Administrative Fine Program, as recommended in the Reports Analysis Division's Memorandum dated March 10, 2010, on the following committees:

AF#2116 Decided by a vote of 6-0 to: (1) find reason to believe that JESSE JACKSON JR FOR CONGRESS, and PASLEY, VICKIE as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2113 Decided by a vote of 6-0 to: (1) find reason to believe that CITIZENS TO ELECT ROBERT MARSHALL, and ROBERT MARSHALL as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2115 Decided by a vote of 6-0 to: (1) find reason to believe that GUTIERREZ FOR CONGRESS, and GUTIERREZ, OMAIRA as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

March 17, 2010
Date

Darlene Harris
Darlene Harris
Acting Secretary of the Commission

10092651149



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 18, 2010

Omaira Gutierrez as Treasurer
Gutierrez for Congress
2846 N. River Walk Drive
Chicago, IL 60618

C00254581
AF#: 2115

Dear Ms. Gutierrez:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a 12 Day Pre-Primary Report of Receipts and Disbursements in a calendar year during which there is a regularly scheduled election for which the candidate is seeking election, or nomination for election. This report, covering the period through January 13, 2010, shall be filed no later than January 21, 2010. 2 U.S.C. § 434(a). Because records at the Federal Election Commission ("FEC") indicate that this report was not filed prior to four (4) days before the Primary Election held on February 2, 2010, it is considered not filed for the purpose of calculating the civil money penalty.

The Act permits the FEC to impose civil money penalties for violations of the reporting requirements of 2 U.S.C. § 434(a). 2 U.S.C. § 437g(a)(4). On March 12, 2010, the FEC found that there is reason to believe ("RTB") that Gutierrez for Congress and you, as treasurer, violated 2 U.S.C. 434(a) by failing to file timely this report on or before January 21, 2010. Based on the FEC's schedules of civil money penalties at 11 C.F.R. § 111.43, the amount of your civil money penalty calculated at the RTB stage is \$660. Please see the attached copy of the Commission's administrative fine regulations at 11 C.F.R. §§ 111.30-11.46. Attachment 1. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. See <http://www.fec.gov/af/af.shtml>. 11 C.F.R. § 111.34. Your payment of \$660 is due within forty (40) days of the finding, or by April 21, 2010, and is based on these factors:

Election Sensitivity of Report: Election Sensitive
Level of Activity: \$6,525
Number of Days Late: Not Filed (for the purpose of calculating the penalty only)
Number of Previous Civil Money Penalties Assessed: 0

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At this juncture, the following courses of action are available to you:

1. If You Choose to Challenge the RTB Finding and/or Civil Money Penalty

If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response, including the AF# found at the top of page 1 under your committee's identification number, to the FEC's Office of Administrative Review, 999 E Street, NW, Washington, DC 20463. Your response must be received within forty (40) days of the Commission's RTB finding, or April 21, 2010. 11 C.F.R. § 111.35(a). Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty, and must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. 11 C.F.R. § 111.36(c).

The FEC will only consider challenges that are based on at least one of three grounds: (1) a factual error in the RTB finding; (2) miscalculation of the calculated civil money penalty by the FEC; or (3) your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. 11 C.F.R. § 111.35(b). In order for a challenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 hours after the end of these reasonably unforeseen circumstances. *Id.* Examples of circumstances that will be considered reasonably unforeseen and beyond your control include, but are not limited to, (1) a failure of Commission computers or Commission-provided software despite your seeking technical assistance from Commission personnel and resources; (2) a widespread disruption of information transmissions over the Internet that is not caused by a failure of the Commission's or your computer systems or Internet service provider; and (3) severe weather or other disaster-related incident. 11 C.F.R. § 111.35(c). Examples of circumstances that will not be considered reasonably unforeseen and beyond your control include, but are not limited to, (1) negligence; (2) delays caused by vendors or contractors; (3) treasurer and staff illness, inexperience or unavailability; (4) committee computer, software, or Internet service provider failures; (5) failure to know filing dates; and (6) failure to use filing software properly. 11 C.F.R. § 111.35(d).

The "failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver" of your right to present such argument in a petition to the U.S. district court under 2 U.S.C. § 437g. 11 C.F.R. § 111.38.

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

2. If You Choose Not to Pay the Civil Money Penalty and Not to Submit a Challenge

If you do not pay the calculated civil money penalty and do not or submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that Gutierrez for Congress and you as treasurer violated 2 U.S.C. § 434(a) and assess a civil money penalty.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA"), as amended by the Debt Collection

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Improvement Act of 1996, 31 U.S.C. § 3701 *et seq.* The FEC may take any and all appropriate action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 C.F.R. § 111.45.

3. If You Choose to Pay the Civil Money Penalty

If you should decide to pay the calculated civil money penalty, send the enclosed remittance form, along with your payment, to the FEC at the address on page 4. Upon receipt of your payment, the FEC will send you a final determination letter.

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 2 U.S.C. § 437g(a)(2). It will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and 437g(a)(12)(A) until it is placed on the public record in accordance with 11 C.F.R. § 111.42, unless you notify the FEC in writing that you wish the matter to be made public.

As noted earlier, you may obtain additional information on the FEC's administrative fine program, including the final regulations, on the FEC's website at <http://www.fec.gov/af/af.shtml>. If you have questions regarding the payment of the calculated civil money penalty, please contact Rhiannon Magruder in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,



Matthew S. Petersen
Chairman

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ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 C.F.R. § 111.43, the amount of your civil money penalty calculated at RTB is \$660 for the 2010 12 Day Pre-Primary Report.

Please mail this remittance with a check or money order made payable to the Federal Election Commission to the following address:

Federal Election Commission
P.O. Box 979058
St. Louis, MO 63197-9000

If you choose to send your remittance and payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox
FEC #979058
1005 Convention Plaza
Attn: Government Lockbox, SL-MO-C2GL
St. Louis, MO 63101

The remittance and your payment are due by April 21, 2010. Upon receipt of your remittance and payment, the FEC will send you a final determination letter.

PAYMENTS BY PERSONAL CHECK

Personal checks will be converted into electronic funds transfers (EFTS). Your account will be electronically debited for the amount on your check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: Gutierrez for Congress

FEC ID#: C00254581

AF#: 2115

PAYMENT DUE DATE: April 21, 2010

PAYMENT AMOUNT DUE: \$660

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

FEDERAL ELECTION
COMMISSION
SECRETARIAT

2010 MAY -5 A 10: 02

May 3, 2010

SENSITIVE

MEMORANDUM

TO: THE COMMISSION

THROUGH: ALEC PALMER
ACTING STAFF DIRECTOR *AP*

FROM: PATRICIA CARMONA *PC*
CHIEF COMPLIANCE OFFICER

DEBBIE CHACONA *for PC*
ACTING ASISTANT STAFF DIRECTOR
REPORTS ANALYSIS DIVISION

BY: NATALIYA IOFFE/RHIANNON MAGRUDER *RM*
REPORTS ANALYSIS DIVISION
COMPLIANCE BRANCH

SUBJECT: ADMINISTRATIVE FINE PROGRAM – FINAL DETERMINATION
RECOMMENDATION FOR THE 2010 12 DAY PRE-PRIMARY REPORT
(ILLINOIS)

Attached is a list of political committees and their treasurers against which the Commission has found reason to believe (RTB) and assessed proposed civil money penalties calculated at RTB for failure to file or failure to timely file the 2010 12 Day Pre-Primary Report (Illinois). The committees have paid the civil money penalties requested at RTB.

In accordance with 11 CFR § 111.34, the Commission shall send a final determination notice to the respondents that have paid the civil money penalties.

RAD Recommendation

- (1) Make final determination that the political committees and their treasurers on the attached report violated 2 U.S.C. § 434(a) and assess the final civil money penalties so indicated.
- (2) Send the appropriate letters.

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Federal Election Commission
FD Circulation Report - Fine Paid
2010 PRE-PRIMARY Election Sensitive 01/21/2010 AUTH (IL)

AF#	Committee Name	Candidate Name	Committee ID	Treasurer	Receipt Date	Days Late	LOA	PV	RTB Date	RTB Penalty	Final Money Penalty	Date Paid	Amount Paid
2113	CITIZENS TO ELECT ROBERT MARSHALL	MARSHALL, ROBERT ALAN	C00469833	ROBERT MARSHALL	01/27/2010	6	\$10,285	0	03/12/2010	\$210	\$210	04/20/2010	\$210
2115	GUTIERREZ FOR CONGRESS	GUTIERREZ, LUIS V.	C00254581	OMAIRA GUTIERREZ	01/29/2010	Not Filed	\$27,525	0	03/12/2010	\$660	\$660	04/20/2010	\$660
2116	JESSE JACKSON JR. FOR CONGRESS	JACKSON, JESSE L. JR	C00305920	VICKIE PASLEY	01/28/2010	7	\$28,330	0	03/12/2010	\$505	\$505	04/16/2010	\$505

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)	
)	
Administrative Fines Program - Final)	
Determination Recommendation for the)	
2010 12 Day Pre-Primary Report (Illinois):)	
JESSE JACKSON JR FOR CONGRESS,)	AF# 2116
and PASLEY, VICKIE as treasurer;)	
CITIZENS TO ELECT ROBERT)	AF# 2113
MARSHALL, and ROBERT MARSHALL)	
as treasurer;)	
GUTIERREZ FOR CONGRESS, and)	AF# 2115
GUTIERREZ, OMAIRA as treasurer;)	

CERTIFICATION

I, Darlene Harris, Acting Secretary of the Federal Election Commission, do hereby certify that on May 06, 2010 the Commission took the following actions on the Administrative Fines Program - Final Determination Recommendation for the 2010 12 Day Pre-Primary Report (Illinois) as recommended in the Reports Analysis Division's Memorandum dated May 03, 2010, on the following committees:

AF#2116 Decided by a vote of 6-0 to: (1) make a final determination that JESSE JACKSON JR FOR CONGRESS, and PASLEY, VICKIE as treasurer , violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2113 Decided by a vote of 6-0 to: (1) make a final determination that CITIZENS TO ELECT ROBERT MARSHALL, and ROBERT MARSHALL as treasurer , violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated;

(2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2115 Decided by a vote of 6-0 to: (1) make a final determination that GUTIERREZ FOR CONGRESS, and GUTIERREZ, OMAIRA as treasurer, violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

May 7, 2010
Date

Venerdi Ferebee-Vener
for Darlene Harris
Acting Secretary of the Commission

10092651157



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 18, 2010

Omaira Gutierrez, in official capacity as Treasurer
Gutierrez for Congress
5310 W. Cullom Ave
Chicago, IL 60641

C00254581
AF#: 2115

Dear Ms. Gutierrez:

On March 12, 2010, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Gutierrez for Congress and its treasurer violated 2 U.S.C. § 434(a) for filing late or failing to file the 2010 Pre-Primary Report. By letter dated March 18, 2010, the Commission sent notification of the RTB finding that included a civil money penalty calculated at the RTB stage of \$660 in accordance with the schedule of penalties at 11 C.F.R. § 111.43.

On April 20, 2010, the FEC received payment of the civil money penalty calculated at the RTB stage. The FEC made a final determination on May 6, 2010 that you, in your official capacity as treasurer, and Gutierrez for Congress violated 2 U.S.C. § 434(a), assessed a civil money penalty in the amount of \$660 in accordance with 11 C.F.R. § 111.43, and voted to close the file.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. The file will be made a part of the public record pursuant to 11 C.F.R. § 111.42(b). Although the file must be placed on the public record within thirty (30) days from the date of the Commission's notification, this could occur at anytime following certification of the Commission's vote.

If you have any questions regarding this matter, please contact Rhiannon Magruder on our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130.

On behalf of the Commission,

A handwritten signature in black ink, appearing to read "Matthew S. Petersen", is written over a horizontal line.

Matthew S. Petersen
Chairman

10092651158

FOR: Gutierrez for Congress

FEC ID#: C00254581

AF#: 2115

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PAYMENT DUE DATE: April 21, 2010

PAYMENT AMOUNT DUE: \$660

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GUTIERREZ FOR CONGRESS

DATE April 12, 2010

PAY TO THE ORDER OF Federal Election Commission \$ 660.00

Six hundred & sixty 00/100 DOLLARS

National City

FOR Realty Donato Gutierrez



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 2115

DATE SCANNED 6/22/10

SCANNER NO. 2

SCAN OPERATOR SES

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